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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

180 LAND CO LLC, a Nevada limited-liability company; FORE STARS, LTD., a Nevada limited-liability company; SEVENTY ACRES LLC, a Nevada limited-liability company; YOHAN LOWIE, an individual.

Plaintiffs.

V.

CITY OF LAS VEGAS, a political subdivision of the State of Nevada; JAMES R. COFFIN, in both his official capacity with the City of Las Vegas and in his personal capacity; STEVEN G. SEROKA, in both his official capacity with the City of Las Vegas and in his personal capacity,

Defendants.

Case: 2:18-cv-00547-JCM-CWH

Stipulation and Order Extending Certain Deadlines Set in Scheduling Order and Extending the Time for Submitting LR 26-3 Interim Status Report

(First Request)

**(To be Referred to Magistrate
Judge Pursuant to LR 26-7)**

Plaintiffs 180 Land Co LLC (“180 Land”), Fore Stars, Ltd (“Fore Stars”), Seventy Acres LLC (“Seventy Acres”), and Mr. Yohan Lowie (“Mr. Lowie”) appearing through their counsel of record; Defendant City of Las Vegas (“City”), appearing through its counsel of record; and Defendants James R. Coffin (“Coffin”) and Steven G. Seroka (“Seroka”), appearing through their counsel of record, hereby stipulate and agree to extend certain deadlines set forth in the

1 Scheduling Order and extend the time for submitting the LR 26-3 Interim Status Report. This is
2 the first stipulation for extension of any of the Scheduling Order's interim deadlines and to file
3 the LR 26-3 Interim Status Report.

4 A. Deadlines Sought to be Extended

5 The Parties seek to extend the Scheduling Order's deadlines for Expert Disclosures and
6 the LR 26-3 Interim Status Report from their current due dates of August 31, 2018 for a period
7 of thirty days to October 1, 2018. Additional extensions of the Scheduling Order's deadlines, as
8 discussed infra, should be requested prior to October 1, 2018.

9 B. Discovery Completed

10 None, other than the exchange of Initial Disclosures under FRCP 26 (a)(1)(A).

11 C. Discovery That Remains to be Completed

12 Requests for production of documents by Plaintiffs from Defendants; other written
13 discovery by Plaintiffs from Defendants; written discovery propounded by Defendants upon
14 Plaintiffs; party and witness depositions by the Plaintiffs and Defendants.

15 D. Reasons Why Discovery Has Not Been Completed/Interim Deadlines Cannot be Met

16 1. In the Stipulated Discovery Plan (#39) filed June 20, 2018, the Parties
17 acknowledged and agreed that "the default periods and terms of discovery under LR 26-1 (b)
18 will be insufficient to meet the discovery needs of this case and will need to be extended. Rather
19 than submitting speculative special scheduling required dates now, counsel have agreed to
20 commence discovery under a standard plan and request better-informed, more precise
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1 extensions based upon the discovery completed or attempted.”¹ Thus, the default deadlines
2 were submitted with the *caveat* that extensions undoubtedly would be required.²

3 2. On July 6, 2018, Plaintiffs propounded their initial requests for production of
4 documents upon Defendants. Defendants Coffin and Seroka served their responses August 8,
5 2018; Defendant City served its responses August 20, 2018. No documents were provided by
6 any of the Defendants in their responses. Consequently, a Motion to Compel responses from the
7 Defendants was filed August 29, 2018 (#41).

8 3. As set forth in the responses attached to the Motion to Compel (#41, Exhibit 3),
9 Defendants have taken the position that no discovery should occur until their pending motions
10 to dismiss³ and motion to stay discovery⁴ have been acted upon by the Court.⁵ Defendants’
11 position is that claims of qualified immunity were made in the Motions to Dismiss and those
12 claims preclude discovery during the pendency of the motions.⁶ Plaintiffs disagree and believe
13 that discovery should go forward unless limited by the Court.⁷ The Parties specifically do not
14 waive their respective positions regarding the timing and extent of discovery by entering into
15 this stipulation. However, the Parties are at loggerheads regarding the timing and extent of
16 discovery at this time, so no discovery is occurring.

17 4. The Parties ask for extensions of the immediate deadlines as requested, pending
18 further decision and guidance from the Court. Once that guidance is received, the Parties, as
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25¹ Stipulated Discovery Plan (#39), 3:24-4:1.

26² *Id.* 4: 4-18.

27³ Motion to Dismiss filed by the City (#14) with a Joinder (#17) and Motion to Dismiss filed by Seroka and Coffin
28 (#16) with a Joinder (#23).

⁴ Motion to Stay (#14).

⁵ Motion to Compel (#41), Exhibit 3.

⁶ *Id.*

⁷ Motion to Compel (#41), 5:8 -6:12.

1 appropriate, will be able to request “better-informed, more precise extensions” of the discovery
2 terms and deadlines, as promised in the Stipulated Discovery Plan.
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4 Dated: August 30, 2018

Dated: August 30, 2018

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7 */s/ Joseph S. Kistler*

/s/ Peter M. Angulo

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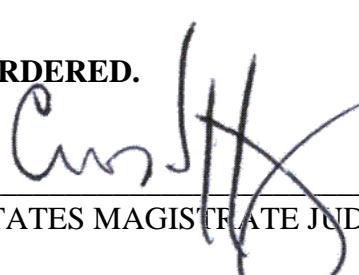
15 Dated: August 30, 2018

16 KOLESAR & LEATHAM

17 */s/ William D. Schuller*

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22 *Attorneys for Defendant City of Las Vegas*

24 IT IS SO ORDERED.
25 
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27 UNITED STATES MAGISTRATE JUDGE
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DATED: August 31, 2018